

REMARKS

The Official Action of July 11, 2008 and the art cited therein have been carefully considered. The remarks herein are considered to be responsive thereto. Claims 16 through 24 remain in the case.

Claims 16-18 and 22 are rejected under 35 USC 102(b) as being anticipated by Barton, EP 0448206. The Examiner states that Barton teaches several benzimidazole compounds, which include the instant compounds (especially pages 43-44). Applicants respectfully traverse.

A more careful review of Barton will reveal that in all of the compounds an O-aryl or NR1-Aryl substituent must always be present on the benzyl portion of the ring. In the instantly claimed invention R4 and R5 do not provide for such substituents on the benzyl portion.

Likewise, another review of pages 43-44 in Barton will show that none of the compounds disclosed therein fall within the scope of the claimed invention. In the claimed invention "Y" is always present, but can never be CF3 or CN as required by Barton.

Applicants would like to thank the examiner for allowing claims 19-21 and 24.

The Examiner states that Applicants provided information that is not consistent with that in the PTO records. Applicants have changed the filing date information to reflect December 21, 2005, instead of November 28, 2005 and hope that this addresses the Examiners concerns.

As a result of the remarks, Applicants believe the examiners concerns have been met and overcome. The examiner is therefore respectfully requested to remove the objections and rejections. The Examiner is invited to contact the undersigned attorney at the telephone number provided below, if such would advance the prosecution of this application.

Respectfully submitted,

By 

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